

PATENT

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Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-
1450 on January 24, 2007.



David G. Parkhurst
David G. Parkhurst, Reg. No. 29,422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN W. MCMULLEN, ET AL.

Serial No. 10/754,155

Filed: January 9, 2004

For: STORE WITH INTERACTIVE
MERCHANDISING SYSTEM AND
METHOD OF OPERATION

Examiner: Amee A. Shah

Group Art Unit 3625

Docket No. CUSTB 63550

January 24, 2007

Los Angeles, California 90045

DECLARATION OF DAVID G. PARKHURST UNDER 37 CFR 1.131

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, DAVID G. PARKHURST, hereby declare and state as follows:

1. I am a partner in the law firm of FULWIDER PATTON LLP, and am one of the attorneys of record in the application of John W. McMullen, et al., Serial No. 10/754,155.

2. I had a telephone conversation with John W. McMullen regarding obtaining a flow chart and screen shots of a prototype web site developed for the interactive kiosk, and received and reviewed a file for a PowerPoint presentation for Project AISLE (previously submitted as Exhibit A) on August 11, 2003.

3. On August 13, 2003, I received an email sent August 12, 2003 providing access to the prototype web site developed for the interactive kiosk of the invention, reviewed the web site, and made screen shots of the prototype web site for the interactive kiosk.

4. On August 14, 2003, I provided copies of materials relating to the disclosure of the invention to Richard C. Salfelder, an associate in the firm of FULWIDER PATTON LLP, and discussed the invention with him, for preparation of a draft utility patent application for the invention.

5. On August 15, 2003, I had a telephone conversation with John W. McMullen regarding the inventorship for the patent application, and prepared a memorandum to Richard C. Salfelder as to the inventorship.

6. On August 20, 2003, I reviewed draft claims from Richard C. Salfelder for the draft patent application, and reviewed prior art relating to the invention, concerning the scope of the claims.

7. On September 11, 2003, I received and reviewed a draft of the patent application from Richard C. Salfelder.

8. On September 17, 2003, I further reviewed and revised the draft patent application, and continued preparation of draft drawings based upon the screen shots and disclosure of the interactive kiosk and store environment.

9. On September 30, 2003, I had a conference with our draftsman, Barrett Davidson, of R&J Patent Drafting requesting preparation of drawings for the draft application, and returned the draft application to Richard C. Salfelder for revisions.

10. On October 7, 2003, I had a conference with Richard C. Salfelder regarding further revision of the draft application.

11. On October 14, 2003, I had a conference with our draftsman regarding preparation and revision of draft patent drawings.

12. On October 21, 2003, I reviewed and revised a further draft of the patent application from Richard C. Salfelder.

13. On October 28, 2003, I had a conference with our draftsman regarding preparation and further revision of draft patent drawings.

14. On November 17, 2003, the draft patent application was mailed to the client for review, as evidenced in our letter of November 17, 2003 (previously submitted as Exhibit C).

15. On November 26, 2003, I had a telephone conversation with John W. McMullen regarding the client's comments concerning the draft application.

16. On December 8, 2003, I received and reviewed inventor comments on the draft patent application.

17. On December 9, 2003, and December 10, 2003, I reviewed and revised the draft patent application pursuant to the inventor comments.

18. On December 18, 2003, I further reviewed and edited the draft patent application, instructed my secretary to prepare a declaration and power of attorney and assignment for the application, and prepared a letter to the client, all of which were sent to the client in our letter of December 29, 2003 (previously submitted as Exhibit D).

19. On January 7, 2004, I reviewed comments of Norman C. Tracy regarding the final draft application.

20. On January 8, 2004, I received the executed Declaration and Power of Attorney and Assignment, and instructed my secretary to prepare the patent application for filing.

21. On January 9, 2004, the patent application, Declaration and Power of Attorney and Assignment, were sent to the U.S. Patent and Trademark Office for filing by Express Mail.

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

January 24, 2007
Date

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